

REMARKS

Claims 5, 8 and 14-16 have been amended. Claims 17-22 have been added. Claims 1-22 are now pending in the Application. Reconsideration is respectfully requested. No new matter has been added. Entry of the amendment is respectfully requested.

- New independent claim 17 recites subject matter found in original claims 3 and 4.
- New claim 18 depends from claim 17 and recites features of corresponding scope to original claim 4.
- New independent claim 19 recites subject matter found in original claim 13.
- New claim 20 depends from claim 19 and recites features and steps of corresponding scope to original claim 13.
- New claim 21 depends from claim 1 and recites features found in original claims 9 and 11, the Specification and Drawings.
- New claim 22 depends from claim 1 and recites features found in the Specification and Drawings.
- Original dependent claims 5 and 8 have been amended to depend from new claim 17.
- Original dependent claim 14 has been amended to depend from new claim 19.
- Claims 14-16 have been amended to recite steps consistent with the steps recited in claim 19.

None of the cited references alone or in combination discloses or suggests the features and relationships that are specifically recited in new claims 17-22. The new claims recite

features, relationships and steps recited in the original claims and are allowable for at least the same reasons as the original claims as discussed below.

Status of Claims

Claims 1-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Junkins, et al., U.S. Patent No. 6,270,010 ("Junkins") in view of Sekino, U.S. Publication No. US 2004/0175221.

These rejections are respectfully traversed.

The Applicable Legal Standards

Before a claim may be rejected on the basis of obviousness pursuant to 35 U.S.C. § 103, the Patent Office bears the burden of establishing that all the recited features of the claim are known in the prior art. This is known as *prima facie* obviousness. To establish *prima facie* obviousness, it must be shown that all the elements and relationships recited in the claim are known in the prior art. If the Office does not produce a *prima facie* case, then the Applicants are under no obligation to submit evidence of nonobviousness. MPEP § 2142.

The teaching, suggestion, or motivation to combine the features in prior art references must be clearly and particularly identified in such prior art to support a rejection on the basis of obviousness. It is not sufficient to offer a broad range of sources and make conclusory statements. *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

Even if all of the features recited in the claim are known in the prior art, it is still not proper to reject a claim on the basis of obviousness unless there is a specific teaching, suggestion, or

motivation in the prior art to produce the claimed combination. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1568, 1 USPQ2d 1593 (Fed. Cir. 1987). *In re Newell*, 891 F.2d 899, 901, 902, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

The evidence of record must teach or suggest the recited features. An assertion of basic knowledge and common sense not based on any evidence in the record lacks substantial evidence support. *In re Zurko*, 258 F.3d 1379, 59 USPQ2d 1693 (Fed. Cir. 2001).

It is respectfully submitted that the Action does not meet these burdens.

**The Pending Claims Are Not Obvious Over
Junkins in view of Sekino**

In the Action, claims 1-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Junkins in view of Sekino. These rejections are respectfully traversed. Applicant's response to these rejections is based on the Office's referenced interpretations of Junkins in view of Sekino. Thus, any change in the Office's interpretation of these references shall constitute a new ground of rejection.

Applicant traverses these rejections on the grounds that Applicant's claims recite features and relationships which are neither disclosed nor suggested in the prior art, and because there is no teaching, suggestion or motivation cited so as to produce Applicant's invention. The features recited in Applicant's claims patentably distinguish over the applied references.

Claim 1

Claim 1 is an independent claim which is directed to a cash dispensing automated banking machine. The Action admits that Junkins does not disclose or suggest the specific

grooves and ridges of the receipt printer as recited in the claim. However, Applicant respectfully submits that Sekino also does not disclose or suggest these recited features.

For example the slider (10) shown in Sekino does not include two elongated grooves. Rather the features shown at (G) in Figure 3 of Sekino correspond to tapered ends of the slider (10). Sekino does not disclose or suggest that the described slider (10) or the tapered ends of the slider (at G) includes the recite feature of **two elongated grooves**. Sekino only discloses that its slider is arcuate in the paper conveying direction [0026].

Thus, neither Junkins nor Sekino disclose or suggest a printer which includes **an elongated ridge positioned between two elongated grooves**. Further, neither Junkins nor Sekino disclose or suggest **grooves which extend between a printer mechanism and an exit end of the printer**. In addition, neither reference discloses or suggests a printer with **at least two belts positioned adjacent two elongated grooves**. In addition, neither reference discloses or suggests that when a sheet is moved between the printer mechanism and the exit end, **the belts are operative to bend portions of the sheet into the grooves**.

As nothing in the cited art discloses nor suggests the features and relationships that are specifically recited in the claim, and because there is no teaching, suggestion or motivation cited for combining features of the cited references so as to produce Applicant's invention, it is respectfully submitted that the claim is allowable for these reasons. Therefore, it is respectfully submitted that the 35 U.S.C. § 103(a) rejection should be withdrawn. It follows that claims 2-4 and 20-21 which depend from claim 1 are likewise allowable.

Claim 9

Claim 9 is an independent method claim. Claim 9 recites as step (b), moving a sheet in a first direction between a printer mechanism of a printer and an exit end of the printer. Claim 9 also recites as step (c), urging the sheet into a waffled shape. The waffled shape of the sheet includes a plurality of alternating troughs and ridges which extend parallel to each other in generally the first direction.

Applicant respectfully submits that neither Jenkins nor Sekino discloses or suggests these features, relationships, and steps. Sekino shows a slider (10) which is arcuate in the paper conveying direction [0026]. This described contour of the slider (10) of Sekino is not capable of urging a sheet into the waffled shape recited in claim 9. For example, claim 9 recites that the waffled shape of the sheet includes a plurality of alternating troughs and ridges. At best the contour of the slider (10) would curve the sheet into an orientation which has only one upwardly bowed portion. Nowhere does Sekino show grooves or any other feature which would cause a sheet to have a shape that includes both a **ridge and a trough**.

Further claim 9 recites that the waffled shape of the sheet includes a plurality of alternating troughs and ridges. Nowhere does Sekino disclose suggest that its described slider includes features capable of causing a sheet to include a **plurality of alternating troughs and ridges which extend parallel to each other**.

In addition, claim 9 recites that the waffled shape of the sheet includes a plurality of alternating troughs and ridges which extend parallel to each other in generally the first direction. As discussed previously, Sekino shows a slider (10) which is arcuate in the paper conveying direction. A sheet corresponding to this curvature would at best have an upwardly bowed portion

which extends perpendicular to the paper conveying direction. Nowhere does Sekino disclose that its described slider includes features capable of causing a sheet to include a plurality of alternating troughs and ridges which extend parallel to each other **in generally the first direction** in which the paper is moved between the printer mechanism and an exit end of the printer.

As nothing in the cited art discloses nor suggests the features and relationships that are specifically recited in the claim, and because there is no teaching, suggestion or motivation cited for combining features of the cited references so as to produce Applicant's invention, it is respectfully submitted that the claim is allowable for these reasons. Therefore, it is respectfully submitted that the 35 U.S.C. § 103(a) rejection should be withdrawn. It follows that claims 10-13 which depend from claim 9 are likewise allowable.

The Dependent Claims

Each of the dependent claims depends directly or indirectly from an independent claim. The independent claims have been previously shown to be allowable. "If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious" (MPEP 2143.03). *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus, it is asserted that the dependent claims are allowable on the same basis.

Furthermore, each of the dependent claims additionally recites specific features, relationships, and/or steps that patentably distinguish the claimed invention over the applied art. Neither Junkins nor Sekino, taken alone or in combination, discloses or suggests the features, relationships, and/or steps that are specifically recited in the dependent claims. Thus, it is

respectfully submitted that the dependent claims are further allowable due to the recitation of such additional features, relationships, and/or steps.

Claim 3

Claim 3 depends from claim 1. Nowhere does the Action address, let alone establish, where either Junkins or Sekino discloses or suggests the features recited in claim 3. For example, claim 3 recites that the printer includes a movable portion in movable connection with a fixed portion. The movable portion includes the exit end of the printer and the fixed portion is in rigid connection with the frame.

Nowhere does Junkins or Sekino disclose or suggest a printer which includes an exit end on a portion of a printer that is movable relative to a portion of the printer that is in rigid connection with a frame. For example, Sekino shows a receipt discharge port (6). However, nowhere does Sekino show that this receipt discharge port (6) is movable relative a portion of the printer that is in rigid connection with a frame of an automated banking machine or any other machine.

Thus neither Jenkins nor Sekino discloses or suggests each of the features and relationships recited in claim 3. The Office has not established *prima facie* obviousness with respect to claim 3, and it is respectfully submitted the rejection should be withdrawn.

Claim 4

Claim 4 depends from 3. The Action takes Official Notice that hinged access doors on electronic equipment is old and well known. However, whether or not hinged access doors are

on electric equipment are old and well known, the Action has not addressed, let alone established, where the specific features recited in claim 4 are disclosed or suggested in the applied art.

For example, claim 4 recites that when the fascia is moved between the open position and the closed position, the movable portion of the printer is operative to move the exit end into alignment with the at least one opening. As discussed previously with respect to claim 3, Jenkins and Sekino do not disclose an exit end of a printer that is movable relative a portion of the printer that is in rigid connection with a frame of an automated banking machine. Further, nowhere do these references disclose or suggest that an exit end of the printer is capable of moving into alignment with an opening of the fascia when the fascia is moved from an open to a closed position.

Thus neither Jenkins nor Sekino discloses or suggests each of the features and relationships recited in claim 4. The Office has not established *prima facie* obviousness with respect to claim 4, and it is respectfully submitted the rejection should be withdrawn.

Claim 5

Amended claim 5 depends from claim 17. Neither Jenkins nor Sekino discloses or suggests a movable portion including an exit end of a printer that is operative to pivot with respect to a fixed portion in rigid connection with a frame of an automated banking machine.

The Office has not established *prima facie* obviousness with respect to claim 5, and it is respectfully submitted the rejection should be withdrawn.

Claim 6

Amended claim 6 depends from claim 5. Neither Jenkins nor Sekino discloses or suggests that one of the fixed portion and the movable portion includes at least one pin and the other one of the fixed portion or the movable portion includes at least one elongated slot. Further, neither reference discloses or suggests that the at least one pin is operative to pivot in the at least one slot and that the at least one pin is operative to slide between opposite ends of the at least one slot. In addition, neither reference discloses or suggests that the movable portion is operative to move the exit end in at least two dimensions.

The Office has not established *prima facie* obviousness with respect to claim 6, and it is respectfully submitted the rejection should be withdrawn.

Claim 7

Amended claim 7 depends from claim 6. Neither Jenkins nor Sekino discloses or suggests that one of the fixed portion or the movable portion includes at least two pins and the other one of the fixed portion or the movable portion includes at least two elongated slots. The slots include front ends and back ends, and the front ends of the slots are positioned closer to a front end of the printer than the back ends of the slots. In addition, neither reference discloses or suggests that the movable portion is operative to move to a position in which a first one of the pins is positioned adjacent the front end of a first one of the slots and a second one of the pins is positioned adjacent the back end of a second one of the slots.

The Office has not established *prima facie* obviousness with respect to claim 7, and it is respectfully submitted the rejection should be withdrawn.

Claim 8

Amended claim 8 depends from claim 17. Neither Jenkins nor Sekino discloses or suggests a fascia that includes at least one guide adjacent the at least one opening through the fascia. Further, neither reference discloses or suggests that when the fascia moves between the opened and closed positions, the at least one guide is operative to contact the movable portion of the printer and urge the movable portion to move the exit end into alignment with the at least one opening through the fascia.

The Office has not established *prima facie* obviousness with respect to claim 8, and it is respectfully submitted the rejection should be withdrawn.

Claim 11

Claim 11 depends from claim 10. Nowhere does the Action address, let alone establish, where either Junkins or Sekino discloses or suggests moving a sheet over a waffled surface of a printer that includes an elongated ridge between two parallel grooves. As discussed previously with respect to claim 1, the slider (10) of Sekino does not include two parallel grooves. The tapered ends of the slider (10) do not correspond to grooves. Further, nowhere does the applied art disclose or suggest belts of a printer which are operative to bend portions of a sheet into grooves.

The Office has not established *prima facie* obviousness with respect to claim 11, and it is respectfully submitted the rejection should be withdrawn.

Claim 13

Claim 13 depends from claim 9. The Action takes Official Notice that hinged access doors on electronic equipment is old and well known. However, whether or not hinged access doors on electric equipment are old and well known, the Action has not addressed, let alone established, where the specific features, relationships and steps recited in claim 13 are disclosed or suggested in the applied art. For example, claim 13 recites a step of aligning the exit end of the printer with an opening through the fascia, including moving the exit end relative the frame. Nowhere do Junkins and Sekino disclose or suggest an exit end of a printer that moves relative to a frame of an automated banking machine into alignment with an opening through a fascia. Further, nowhere do these applied references disclose or suggest that the exit end moves as recited responsive to the fascia being urged to move from an open position to a closed position adjacent the frame of the automated banking machine.

The Office has not established *prima facie* obviousness with respect to claim 13, and it is respectfully submitted the rejection should be withdrawn.

Claim 14

Amended claim 14 depends from claim 19. Nowhere do the applied references disclose or suggest a movable portion including an exit end of a printer that is in pivoting connection with a fixed portion in rigid connection with a frame of an automated banking machine.

The Office has not established *prima facie* obviousness with respect to claim 14, and it is respectfully submitted the rejection should be withdrawn.

Claim 15

Claim 15 depends from claim 14. Nowhere do the applied references disclose or suggest a movable portion including an exit end of a printer that moves in at least two dimensions with respect to a fixed portion in rigid connection with a frame of an automated banking machine.

The Office has not established *prima facie* obviousness with respect to claim 15, and it is respectfully submitted the rejection should be withdrawn.

Claim 16

Claim 16 depends from claim 15. Nowhere do the applied references disclose or suggest a fascia that includes at least one guide adjacent an opening through the fascia. Further, nowhere do the applied references disclose or suggest that the guide contacts the movable portion of the printer and urges the movable portion to move the exit end into alignment with the opening through the fascia.

The Office has not established *prima facie* obviousness with respect to claim 16, and it is respectfully submitted the rejection should be withdrawn.

Additional Claim Fees

Please charge the fees associated with prosecution of one additional independent claim in excess of 3 (\$200) and two additional total claims (\$100) and any other fee due, to Deposit Account No. 09-0428 of Diebold Self-Service Systems.

Conclusion

Each of Applicant's pending claims specifically recites features and relationships that are neither disclosed nor suggested in any of the applied art. Furthermore, the applied art is devoid of any such teaching, suggestion, or motivation for combining features of the applied art so as to produce Applicant's invention. Allowance of all of Applicant's pending claims is therefore respectfully requested.

The undersigned will be happy to discuss any aspect of the Application by telephone at the Examiner's convenience.

Respectfully submitted,



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